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SECTION 9.1 CONSULTANT CONTRACTS FOR TITLEWORK, ACQUISITION , RELOCATION ASSISTANCE, and IMPROVEMENT CONTROL

In certain cases it will be in the Department's best interest to utilize qualified consultants to handle some or all aspects of the right of way process. The decision to utilize a consultant will be made by the Real Estate Administrator. Consultants utilized must meet specific professional qualifications and will be monitored by the Real Estate Section as necessary to insure compliance with all state and federal regulations.

1. Types of Consultant Contracts:

- a. Engineering Services Contracts are contracts for certain Real Estate services between the Department and the engineering firm responsible for the design of roadway projects. Persons or firms hired by the engineering firm to actually perform the Real Estate activities must be approved by Real Estate. Engineering Services Contracts will be utilized only on large-scale projects, and the nature of the services will be, to the greatest extent possible, turnkey. The Real Estate Projects Manager will be responsible for overseeing engineering service contracts.
- b. Consultant Services Contracts are contracts for certain Real Estate services between the Department and approved individuals or firms. Such contracts will be administered through an appointed Team Leader. Contracts for less than \$50,000 will be awarded through the internal consultant selection process described in SECTION 9.2, Paragraph 1. Such contracts for \$50,000 or more will be awarded after request for proposal (RFP) procedures have been followed, as described in SECTION 9.2, Paragraph 2.

2. Types of Consultants And Minimum Qualifications:

a. Real Estate Agent Consultant:

- A baccalaureate degree plus three years of full time professional experience in the right of way, relocation assistance or real estate fields.
- Eight years of full-time work experience may be substituted for the required baccalaureate degree only.
- Attendance at the Real Estate Section's orientation course *Acquisition of Right of Way and Relocation Assistance*.

b. Relocation Assistance Agent Consultant:

- A baccalaureate degree plus three years of full time professional experience as an employee of, or a consultant for, an expropriation agency or other governmental agency in the relocation assistance field.
- Eight years of full-time work experience may be substituted for the required baccalaureate degree only.
- Attendance at the Real Estate Section's orientation course *Acquisition of Right of Way and Relocation Assistance*.

c. Title Abstract Consultant:

- A baccalaureate degree plus three years of full time professional experience in the title research field.
- Eight years of full-time work experience may be substituted for the required baccalaureate degree only.

3. Definitions

- a. Headquarters Agent: The agent in the Real Estate Headquarters office responsible for processing acquisition packages and vouchers submitted by consultants for acquisition payments. The Headquarters Agent can be

from either the Titles and Acquisition Office or the Statewide Office.

- b. Statewide Office Agent: In this Section of the Real Estate Manual, the term Statewide Office Agent refers to the agent responsible for processing consultant invoices for payment.
- c. Real Estate Agent Consultant: This term shall be used to collectively describe the three types of consultants described in the previous section who have been qualified by the Real Estate Section to perform Real Estate activities.
- d. Kick-off Meeting: A meeting prior to the initiation of consultant activities on the project that establishes the ground rules for the contract. Attending in addition to the consultants may be the Real Estate Administrator, the Real Estate Contractual/Consultant Review and Appraisal Chief, the Real Estate Project Coordinator, the Real Estate District Manager, the Headquarters Agent, and either the Team Leader or Real Estate Projects Manager (depending on the type of contract.)

The following materials will be distributed, as appropriate, at the kick-off meeting:

- i. The contract work order
- ii. Ownership Appraisal waivers and appraisals (as available)
- iii. Copies of the *Acquisition of Right of Way and Relocation Assistance* brochure
- iv. Right of way maps and construction plans
- v. Copies of the Real Estate Manual, as necessary
- vi. Copies of the acquisition and relocation forms
- vii. Customer survey forms and self-addressed, stamped envelopes
- viii. Forms to obtain a computer ID to access Department databases

The following issues shall be discussed at the kick-off meeting:

- i. The specific terms of the contract
- ii. The scope of all services in the contract
- iii. The chain of command
- iv. Instructions for updating the computer and preparing vouchers

- e. Team Leader: A person designated to perform the same functions as the Real Estate District Manager on a Consultant Services contract. Whenever possible, the Team Leader shall be the Real Estate District Manager of the district in which the project is located. However, a Real Estate District Manager from another district, or some other Real Estate employee may be designated project team leader.

SECTION 9.2 CONTRACT PROCEDURES

Following program development, the Real Estate Section receives final right of way maps on a project. The Real Estate Acquisition Chief and the Real Estate Project Coordinator review the maps and the Real Estate Section's workload to determine how best to handle the work. If they determine it is in the Department's interest to out-source the project, they make a recommendation on the type of contract and the scope of the work to the Real Estate Administrator.

The Real Estate Administrator has full and final authority to utilize a Consultant Services contract on a project, or to make a formal request to the DOTD Program Development Chief that right of way activities on a project be handled under the engineering contract.

The types of contracts are Consultant Services Contracts < \$50,000, Consultant Services Contracts >= \$50,000, and Engineering Services Contracts. The procedures which follow will depend upon the type of contract utilized:

PROCEDURES:

1. Consultant Services Contracts < \$50,000

- a. The Real Estate Project Coordinator sends a memorandum to the Real Estate Administrator, attention the Real Estate Contractual/Consultant Review and Appraisal Chief, recommending a Consultant Services contract, outlining the scope of services and the suggested Team Leader.
- b. Following approval by the Real Estate Administrator, the Real Estate Project Coordinator sends the Consultant Selection Committee a short list of three to five consultants, as well as a report of those consultants' outstanding work with the Department.
- c. The Consultant Selection Committee selects and approves the consultant and notifies the Real Estate

Project Coordinator. The Real Estate Administrator approves the Team Leader.

- d. The Real Estate Titles and Acquisition Manager and the Real Estate Project Coordinator recommend to the Real Estate Acquisition Chief a Headquarters Acquisition Agent to work with the Team Leader. If no Titles and Acquisition Office Agent is able to handle the project, an agent in the Statewide Office will be appointed the project Acquisition Agent.
- e. A Statewide Office Agent prepares the contract. The Real Estate Project Coordinator and the Real Estate Contractual/Consultant Review and Appraisal Chief review it for completeness and accuracy.
- f. The contract is sent to consultant, who signs and returns it to Real Estate.
- g. The contract is signed by the Real Estate Administrator, the Real Estate Contractual/Consultant Review and Appraisal Chief, the Real Estate Acquisition Chief, the Real Estate Project Coordinator and the preparer.
- h. A Statewide Office Agent prepares the work order and sends to the Real Estate Contractual/Consultant Review and Appraisal Chief, who gives it to the Real Estate Administrator to sign. The signed work order is returned to the Statewide Office Agent.
- i. If the contract is in excess of \$20,000, the following additional steps are taken, depending on the length of the contract:
 - i. If the length of such a contract is five months or less, the Statewide Office Agent sends the original and two copies of the contract and a copy of the work order to the Division of Administration for approval. Real Estate can begin activities on the contract before it is returned approved by the

Division of Administration. However, no payments may be made to the consultant until the Division of Administration approves the contract.

- ii. If the contract length is more than five months, the Statewide Office Agent sends the original and two copies of the contract and work order to Civil Service for approval. When the approved contract is returned from Civil Service, Real Estate will send to the Division of Administration. No activities on such a contract shall begin until Civil Service approves it, and no payments may be made to the consultant until the Division of Administration approves the contract.
- j. The kick-off meeting is scheduled within one week of the date of the work order. Section 9.1, Paragraph 3.d. describes who shall attend and what shall be addressed at this meeting.
- k. Work activities begin.
 - i. See [Section 9.4, Work Flow: Consultant Services Contracts – Acquisition](#)
 - ii. See [Section 9.5, Work Flow: Consultant Services Contracts – Relocation Assistance](#)
 - iii. See [Section 9.6, Work Flow: Consultant Services Contracts – Improvement Control](#).

NOTE: All Titlework and Acquisition activities shall be in compliance with the Real Estate Manual Section 4. All Relocation Assistance activities shall be in compliance with Real Estate Manual Section 6. All Improvement Control activities shall be in compliance with Real Estate Manual Section 5.

- l. After all contract activities are completed, the Team Leader fills out an evaluation form on the consultant's

performance. The Real Estate Administrator, the Real Estate Contractual/Consultant Review and Appraisal Chief, the Real Estate Acquisition Chief, and the Real Estate Project Coordinator sign off on the evaluation. The Real Estate Project Coordinator assembles an audit team that reviews project files.

- m. If the contract is for more than \$20,000, a copy of the evaluation is sent to the Division of Administration within 60 days of the contract ending date.

2. Consultant Services Contract >= \$50,000

Requests for Proposals (RFP)

- a. The Real Estate Project Coordinator and the Real Estate Acquisition Chief send a memo to the Real Estate Administrator, to the attention of the Real Estate Contractual/Consultant Review and Appraisal Chief, with the following information:
 - i. A recommendation to handle the project under a RFP Consultant Services contract.
 - ii. The number of ownerships and relocations on the project.
 - iii. Recommendation regarding members of the Consultant Grading Committee to evaluate proposals.
 - iv. A Team Leader for the project.
 - v. A Headquarters Acquisition Agent, who will also serve as contact person.
- b. The Real Estate Administrator approves the recommendations.

- c. Real Estate Project Coordinator furnishes Real Estate Contractual/ Consultant Review and Appraisal Chief with the scope of the project.
- d. The Real Estate Contractual/Consultant Review and Appraisal Chief develops the advertisement for proposals and forwards to the Real Estate Property Management Officer.
- e. The Real Estate Property Management Officer advertises for proposals, giving the name and phone number of Headquarters Real Estate Agent as the contact person.
- f. The contact person answers all phone calls relative to the advertisement, responds to all inquiries, and insures that proposal packages are mailed to prospective consultants as well as firms and/or individuals on the Real Estate consultant panels. The contact person maintains a detailed log of all inquiries.
- g. As proposals come in, they are given to the Headquarters Agent, who stores them unopened under lock and key. When the bid period expires, he/she gives all proposals to the Consultant Grading Committee, which grades them according to a pre-defined structured process.
- h. The Consultant Grading Committee submits the graded list of all bidders to Real Estate Consultant Selection Committee.
- i. The Consultant Selection Committee selects and approves the consultant to be awarded the contract. The committee will fully document the reasons for their choice in writing.
- j. The Real Estate Headquarters Agent prepares a letter for the Real Estate Administrator's signature to the non-successful bidders advising them that their proposals have been declined. The Real Estate Administrator signs the letters and the Real Estate Headquarters Agent mails

them out. The successful bidder is advised by letter that their proposal has been accepted.

- k. A Statewide Office Agent prepares the contract. The Real Estate Project Coordinator and the Real Estate Contractual/Consultant Review and Appraisal Chief review it for completeness and accuracy.
 - l. The Contract is sent to selected consultant, who signs and returns it to Real Estate.
 - m. The contract is signed by the Real Estate Administrator, the Real Estate Contractual/Consultant Review and Appraisal Chief, the Real Estate Acquisition Chief, the Real Estate Project Coordinator and the preparer.
 - n. The Statewide Office Agent prepares the work order.
 - o. The Statewide Office Agent sends the original and two copies of the contract and a copy of the work order to Civil Service for approval. When the approved contract is returned from Civil Service, Real Estate sends to the Division of Administration. No activities shall begin until the Division of Administration approves the contract.
2. The steps outlined in Section 9.2, Paragraph 1.j. through m. will be followed.

3. Engineering Services Contracts

- a. The Real Estate Administrator makes a recommendation to the DOTD Program Development Division Chief that the Engineering Services Contract be supplemented to include Real Estate activities.
- b. The DOTD Program Development Division Chief approves.

- c. The Real Estate Contractual/Consultant Review and Appraisal Chief and the Real Estate Projects Manager develop the scope of services.
- d. The Real Estate Contractual/Consultant Review and Appraisal Chief assists the engineering consultant in developing the proposal.
- e. A draft of the consultant's proposal is approved by the Real Estate Administrator, the Real Estate Contractual/Consultant Review and Appraisal Chief and the Real Estate Projects Manager.
- f. The engineering consultant formally submits the proposal to the DOTD Contract Management Section, with a copy to the Real Estate Administrator.
- g. The Real Estate Administrator advises the DOTD Contract Management Section that Real Estate approves the contract.
- h. DOTD Contract Management Section prepares the supplemental agreement and sends to the Engineering consultant.
- i. The engineering consultant signs the supplemental agreement and returns to DOTD Contract Management Section.
- j. DOTD Contract Management prepares the Notice to Proceed and mails to the Engineering Consultant.
- k. The Real Estate Administrator assigns the project to the Real Estate Projects Manager and notifies the Real Estate Project Coordinator. The Real Estate Projects Manager and the Real Estate Project Coordinator select an Acquisition Agent from the Statewide Office. If no Statewide Office Agent is able to handle the project, the Real Estate Projects Manager and the Real Estate Titles and Acquisition Manager will select a Real Estate

Headquarters Agent from the Titles and Acquisition Office.

- l. The Real Estate Project Manager selects a District Manager to work on the project (whenever possible, the District Manager shall be in the District in which the project is located.)
- m. The engineering consultant provides the Real Estate Projects Manager with a list of subcontractors and individuals who will provide the right of way services.
- n. The Real Estate Administrator, the Real Estate Contractual/ Consultant Review and Appraisal Chief and the Real Estate Projects Manager pre-approve all individuals and firms on the list.
- o. The kick-off meeting is scheduled within one week of the date of the work order. Section 9.1, Paragraph 3.d. describes who shall attend and what shall be addressed at this meeting.
- p. Any questions concerning the contract will be addressed by the Engineering Consultant to the Real Estate Projects Manager. Real Estate Agent Consultants shall not contact the Real Estate Projects Manager directly. Real Estate Agent Consultants may contact the Real Estate District Manager or agents for technical guidance. Technical questions will be processed through the normal chain of command.
- q. Work activities begin:
 - i. See Section 9.7, Work Flow: Engineering Services Contracts – Acquisition
 - ii. See Section 9.8, Work Flow: Engineering Services Contracts – Relocation Assistance

- iii. See Section 9.9, Work Flow: Engineering Services Contracts – Improvement Control.

NOTE: All Titlework and Acquisition activities shall be in compliance with the Real Estate Manual Section 4. All Relocation Assistance activities shall be in compliance with Real Estate Manual Section 6. All Improvement Control activities shall be in compliance with Real Estate Manual Section 5.

- r. The Real Estate Project Coordinator will assemble an audit team to review ownership files when approximately twenty-five percent (25%) of the ownerships on the project have been acquired. The Real Estate Projects Manager shall be a member of the audit team.
- s. After all contract activities are complete, the audit team reviews all project files not evaluated in the first audit. In conjunction with the audit, the Real Estate Projects Manager does an evaluation of the Engineering Consultant and the Real Estate Acquisition Agents.
- t. The engineering consultant sends invoices for administrative services to the Real Estate Projects Manager according to the time schedule defined in the supplemental agreement. The Real Estate Projects Manager audits the invoice, and if in order, sends it to Construction Audit Engineer in the Construction Section for processing and payment.

Section 9.3 CONSULTANT SERVICES CONTRACTS FOR TITLEWORK

1. Titlework activities on a project generally are done in three stages:
 - a. Title take-offs, which reflect the current owners of property needed for a project, are done immediately prior to base (preliminary) right of way map development.
 - b. Full title research reports should be completed by the time the Joint Plan Review Meeting is held, and/or at least two months in advance of the date the final right of way maps are due.
 - c. Title updates on parcels are done whenever full title reports are older than six months at the time the final right of way maps are received in Real Estate.
2. In those cases where a map consultant is hired to do the topographic survey and property surveys in addition to the right of way maps, the map consultant will be responsible for all title activities on the project. In all other cases, the Real Estate Section will be involved in the process.
 - a. Request for initial titlework from Location and Survey
 - i. The Real Estate Project Coordinator will review Real Estate's workload and determine whether it is in the best interest of the Department to out-source the work.
 - ii. If the Real Estate Project Coordinator believes a contract should be utilized, he/she will make a recommendation to the Real Estate Administrator.
 - iii. The work will be handled under a Consultant Services contract, following the procedures in

Section 9.2, Paragraph 1., Personal Service
Contracts < \$50,000.

- iv. Consultant does title take-offs and sends to Team leader.
- v. Team Leader insures titlework is accurate. Incorrect or insufficient work is returned to the Consultant for correction.
- vi. Team Leader sends take-offs to Location and Survey or the right of way design consultant.
- vii. Consultant submits invoice for services rendered to Team Leader. The Team Leader completes a checklist on submitted work and forwards checklist and invoice to Statewide Agent to prepare voucher for payment.

b. Full title research reports on a project

- i. An in-house assessment of the project in advance of the date the preliminary right of way maps are due will be done by the Real Estate Project Coordinator as follows:
 - 1) For projects with fewer than 50 ownerships (as established by the title take-offs), the project will be reviewed six months prior to the date the preliminary right of way maps are due.
 - 2) For projects with more than 50 ownerships but fewer than 150 (as established by the title take-offs), the project will be reviewed nine months prior to the date the preliminary right of way maps are due.
 - 3) For projects with 150 or more ownerships (as established by the title take-offs), the project

will be reviewed twelve months prior to the date the preliminary right of way maps are due.

- ii. The Real Estate Project Coordinator will review Real Estate's workload and determine whether it is in the best interest of the Department to out-source the work.
- iii. If the Real Estate Project Coordinator believes a consultant should be utilized, he/she makes a recommendation to the Real Estate Administrator.
- iv. Normally, titlework will be handled under a Consultant Services contract, following the procedures in Section 9.2, Paragraph 1., Consultant Services Contracts < \$50,000.
- v. The consultant prepares the title research reports, maintaining a list of those reports that will require a map change.
- vi. The consultant sends the original and three copies of the title research reports to the Team Leader, as well as a report of all title research reports requiring map changes.
- vii. The Team Leader insures the titlework is accurate. Incorrect or inadequate work is returned to the consultant for correction.
- viii. The Team Leader sends any title reports that will require a map change to Location and Survey or the right of way map consultant.
- ix. Consultant submits invoice for services rendered to Team Leader. The Team Leader completes a checklist on submitted work and forwards checklist and invoice to Statewide Agent to prepare voucher for payment.

c. Title updates on a project

- i. If full title research reports on the project are older than 6 months when the final right of way maps are received, the title must be updated.
- ii. The Real Estate Project Coordinator will review Real Estate's workload and determine whether it is in the best interest of the Department to out-source the work.
- iii. If the Real Estate Project Coordinator believes a consultant should be utilized, he/she makes a recommendation to the Real Estate Administrator.
- iv. The work will be handled under a Consultant Services contract, following the procedures in Section 9.2, Paragraph 1., Consultant Services Contracts < \$50,000.
- v. Consultant prepares title updates and sends to the Team Leader, maintaining a list of any title updates that will require a map change.
- vi. The consultant sends the original and three copies of the title updates to the Team Leader, as well as a report of all updates requiring map changes.
- vii. The Team Leader insures the titlework is accurate. Incorrect or inadequate work is returned to the consultant for correction.
- viii. The Team Leader sends only titlework **that will require a map change** to Location and Survey.
- ix. Consultant submits invoice for services rendered to Team Leader. The Team Leader completes a checklist on submitted work and forwards checklist

and invoice to Statewide Agent to prepare voucher for payment.

SECTION 9.4 WORK FLOW: CONSULTANT SERVICES CONTRACTS – ACQUISITION

1. The consultant enters each owner in the Real Estate Database, if not already setup. The consultant will update the computer throughout the acquisition process no less than once a week.
2. Consultant opens negotiations with property owner.
3. If negotiations are successful, proceed as follows:
 - a. The consultant is responsible for preparing all documents associated with the acquisition. He/she prepares the acts of sale and any servitude agreements and secures owner(s)' signatures. Consultant sends signed acquisition package and voucher to Team Leader. The Team Leader checks the package for completeness and forwards to the Headquarters Acquisition Agent.
 - b. The Headquarters Acquisition Agent processes the acquisition package, sends the voucher to Accounting and records the sale.
 - c. When acquisition check is received from Accounting, the Headquarters Acquisition Agent gives it to the Team Leader, who forwards to the consultant.
 - d. The consultant updates the mortgage certificate and title reports and clears any encumbrances.
 - e. The check is mailed or delivered to the owner(s). Check delivery will be according to Department procedures.
NOTE: The Real Estate Agent Consultant who handled the negotiations on the ownership cannot hand deliver the check. However, it can be hand delivered to a closing agent, bank employee, etc. Otherwise, the Team Leader will insure that hand delivery of a check to a property owner is made by someone other than the Real Estate

Agent Consultant who negotiated with that property owner.

- f. The consultant sends the ownership file to the Team Leader, along with an invoice for services rendered.
- g. The Team Leader prepares a checklist on the file.
- h. Team Leader sends the checklist and invoice to Statewide Office, which is responsible for requesting check to pay consultant.
- i. Accounting sends check to Statewide Office Agent, who mails to consultant.

4. If owner presents a counter-offer, proceed as follows:

- a. If an owner presents a counter-offer, the consultant submits to the Team Leader with a recommendation.
- b. The counter-offer is processed through the chain of command:
- c. The Team Leader processes the counter-offer through the normal chain of command (described in Section 4.2, Paragraph 7.) with a recommendation.
- d. The Team Leader advises the consultant of the decision on the counter-offer.
- e. If the consultant is able to reach an amicable settlement with the owner(s), the steps outlined in this section, Paragraph 3.a. through i. will be followed.
- f. If the consultant is unable to reach an amicable settlement with the owner(s), and believes future negotiations would be fruitless, expropriation procedures will be initiated, as described below.

5. If the ownership is to be expropriated, proceed as follows:

- a. The consultant forwards the ownership file to the Team Leader, with a recommendation to expropriate.
6. If the Team Leader does not concur, he/she will return the file to the consultant with instructions to continue negotiations.
7. If the Team Leader agrees that expropriation proceedings should be instituted, he/she forwards the file to the Headquarters Acquisition Agent, who prepares the expropriation package and sends to Legal.
8. As soon as Real Estate has accepted and approved the expropriation package, the Team Leader notifies the consultant, who can submit an invoice for payment of services rendered.
9. Payment procedures outlined in this section, Paragraph 3.f. through i. will be followed.

SECTION 9.5 WORK FLOW: CONSULTANT SERVICES CONTRACTS – RELOCATION ASSISTANCE

1. The consultant interviews each person displaced by the project to assess relocation needs and eligibility, following all relocation assistance procedures in the Real Estate Manual Section 6.
2. The consultant enters each displacee in the Real Estate Database, if not already setup. The consultant will update the computer throughout the relocation process no less than once a week.
3. If Real Estate has not already issued Informational Notices to each displaced person on the project, the consultant will do so within 10 days of Project Initiation of Negotiations, giving his/her name as the Department's contact person.
4. The consultant prepares the relocation offer and delivers the offer and vacate date letter to the Displacee.
5. If displacee agrees to relocation offer, proceed as follows:
 - a. As the displacee incurs costs associated with the move, the Consultant prepares a voucher and sends it and the required documentation to Team Leader.
 - b. The Team Leader forwards the voucher and documentation to the Relocation Assistance Office, which checks for accuracy and processes voucher.
 - c. When the check comes in, the Relocation Assistance Office sends it to the Team Leader.
 - d. The Team Leader will verify that the costs have been incurred and the work is complete. The check is mailed or delivered to the owner(s). Check delivery will be according to Department procedures. NOTE: The Real Estate Agent Consultant who handled the relocation assistance for the displacee cannot hand deliver the

check. However, it can be hand delivered to a closing agent, bank employee, etc. Otherwise, the Team Leader will insure that hand delivery of a check to a displacee is made by someone other than the Real Estate Agent Consultant who handled the relocation assistance for that displacee.

- e. The consultant will assist the displacee in preparing all claim forms.
- f. The consultant gives the completed relocation file and invoice for services rendered to the Team Leader, who fills out a checklist to insure the file is comprehensive.
- g. The Team Leader forwards the checklist and invoice to the Statewide Office, which is responsible for requesting check to pay consultant.
- h. Accounting sends check to Statewide Office Agent, who mails to consultant.

6. If displacee files a relocation appeal, proceed as follows:

- e. The chain of command outlined **Section 6.6 Appeals** will be followed.
- f. The consultant forwards the appeal to the Team Leader with a recommendation. The Team Leader forwards the appeal to the Real Estate Relocation Assistance Officer with his/her recommendation.
- g. The Team Leader is advised of the decision regarding the appeal and notifies consultant.
- h. If the displacee agrees to move after the appeal is processed, the procedures outlined in this section, Paragraph 5.a. through h. will be followed.

7. If displacee refuses to move, proceed as follows:

- e. The consultant will undertake eviction proceedings as outlined in Section 5 of the Real Estate Manual.
- f. After the displacee has moved, the consultant will follow the steps outlined in this section, Paragraph 5.a through h.
- g. After all payments are complete, the consultant can bill the Department for services rendered.

8. Last Resort Residential Displacees

If a residential displacee will receive Last Resort installment payments, the consultant will prepare vouchers for all payments and submit to Team Leader. The Team Leader will forward the vouchers to the Relocation Assistance Office, which will set up future payments.

9. Lease Backs

- e. If the displacee cannot move until after the designated vacate date and must lease back the improvement, the Real Estate Agent Consultant will execute the standard lease agreement and obtain the displacee's signature. (See Section 5 of the Real Estate Manual.)
- f. The consultant will collect all monthly rent and send to the Team Leader, who forwards to the Headquarters Acquisition Agent, who will send to Accounting.

SECTION 9.6 WORK FLOW: CONSULTANT SERVICES CONTRACTS – IMPROVEMENT CONTROL

- 1.** As soon as the consultant is authorized to begin work, he/she insures that all improvements are entered in the Improvement Control computer database, and updates the information throughout the process as necessary, no less than once a week.
- 2.** The consultant performs a comprehensive inspection (Before Inspection) of each improvement on the project, including location by Highway Survey Station Number, type of foundation, type of structure, condition, materials, etc.
- 3.** Shortly after an improvement has been vacated, the consultant does another inspection (After Inspection) and sends the Team Leader a recommendation for the disposal of the property. The Team Leader processes the disposition through the normal chain of command as described in the Real Estate Manual Section 5.
- 4.** The consultant sends an invoice for services rendered to the Team Leader, who completes a checklist on improvement control activities.

SECTION 9.7 WORK FLOW: ENGINEERING SERVICES CONTRACTS – ACQUISITION

1. The engineering consultant insures that each owner is entered in the Real Estate Database. The engineering consultant will insure that the computer is updated throughout the acquisition process no less than once a week.
2. The Real Estate Projects Manager forwards the appraisal (if not part of the contract) or waiver to the engineering consultant.
3. The engineering consultant assigns the work activities to approved Real Estate Agent Consultants.
4. Real Estate Agent Consultant opens negotiations with property owner, following all acquisition procedures in Section 4 of the Real Estate Manual.
5. If negotiations are successful proceed as follows:
 - a. The Real Estate Agent Consultant prepares the act of sale and any servitude agreements and secures owner(s)' signatures. Real Estate Agent Consultant sends signed acquisition package and voucher to engineering consultant. The engineering consultant checks the work, and if complete and accurate, certifies it and forwards to the Headquarters Acquisition Agent.
 - b. The Headquarters Acquisition Agent processes the acquisition package and sends the voucher to Accounting.
 - c. When acquisition check is received from Accounting, the Headquarters Acquisition Agent forwards to the engineering consultant, who gives it to the Real Estate Agent Consultant.

- d. The Real Estate Agent Consultant updates the mortgage and title reports, clears any encumbrances and records the sale.
 - e. The check is mailed or delivered to the owner(s). Check delivery will be according to Department procedures.
NOTE: The Real Estate Agent Consultant who handled the negotiations on the ownership cannot hand deliver the check. However, it can be hand delivered to a closing agent, bank employee, etc. Otherwise, the engineering consultant will insure that someone other than the Real Estate Agent Consultant who negotiated with that property owner delivers the check.
 - f. The Real Estate Agent Consultant sends the completed ownership file to the engineering consultant, who audits for accuracy and completeness, certifies it and completes a checklist. The engineering consultant then sends the original file with certification to the Real Estate Projects Manager and a copy to the Real Estate District Office. The file sent to Headquarters will be the official file.
 - g. The engineering consultant invoices Real Estate for the ownership.
 - h. If the file is in order, the Real Estate Projects Manager approves the invoice and sends to the Construction Audit Engineer in the Construction Section for payment.
- 6. If owner presents a counter-offer proceed as follows:**
- f. If an owner presents a counter-offer, the Real Estate Agent Consultant submits to the engineering consultant with a recommendation. The engineering consultant forwards to the Real Estate District Manager.
 - g. The counter-offer is processed through the chain of command:

- i. The Real Estate District Manager can approve administrative settlements up to \$10,000. The Real Estate Projects Manager has authority to approve administrative settlements up to \$25,000. If the counter-offer cannot be approved at this level, the Real Estate Projects Manager forwards it to the Real Estate Assistant Titles and Acquisition Manager, who prepares a memorandum to the Real Estate Administrator recommending disposition.
- ii. The Real Estate Administrator makes the final decision regarding the counter-offer and advises the Real Estate Projects Manager.
- iii. The Real Estate Projects Manager advises the engineering consultant, who advises the Real Estate Agent Consultant.
- iv. Following disposition of the counter-offer, if the consultant is able to reach an amicable settlement with the owner(s), the steps outlined in this Section, Paragraph 5.a. through h. will be followed.

7. If ownership is expropriated, proceed as follows:

- f. If the Real Estate Agent Consultant is unable to reach an amicable settlement with the owner(s), and believes future negotiations would be fruitless, he/she forwards recommendation to expropriate to the engineering consultant.
- g. The engineering consultant reviews the file, prepares a checklist, and if the file is in order, certifies it and forwards to the Real Estate Projects Manager.
- h. If the Real Estate Projects Manager does not concur, he/she will return the file to the engineering consultant with instructions to continue negotiations.

- i. If the Real Estate Projects Manager agrees that the ownership should be expropriated, he/she forwards the file to the Headquarters Acquisition Agent, with a copy of the transmittal letter to the engineering consultant. The Headquarters Acquisition Agent prepares the expropriation package and sends to Legal.
- j. After the suit is accepted and approved by Real Estate Projects Manager, the engineering consultant can submit an invoice for payment of services rendered.
- k. If the file is in order, the Real Estate Projects Manager approves the invoice and sends to the Construction Audit Engineer in the Construction Section for payment.

SECTION 9.8 WORK FLOW: ENGINEERING SERVICES CONTRACTS – RELOCATION ASSISTANCE

1. The engineering consultant assigns the work activities to an approved Real Estate Agent Consultant. When an ownership has a displacee, the same Real Estate Agent Consultant shall handle both acquisition and relocation.
2. The Real Estate Agent Consultant interviews each person displaced by the project to assess relocation needs and eligibility, following all relocation procedures in the Real Estate Manual Section 6.
3. The engineering consultant insures that each displacee is entered in the Real Estate Database, and insures that the computer is updated throughout the relocation process, no less than once a week.
4. If Real Estate has not already issued Informational Notices to each displaced person on the project, the Real Estate Agent Consultant will do so within 10 days of Project Initiation of Negotiations, giving his/her name as the Department's contact person.
5. The Real Estate Agent Consultant prepares the relocation offer and delivers the offer and vacate date letter to the Displacee.
6. If displacee agrees to relocation offer, proceed as follows:
 - a. As the displacee incurs costs associated with the move, the Real Estate Agent Consultant prepares a voucher and sends it and the required documentation to the engineering consultant. The engineering consultant reviews the material to insure it is correct and accurate, certifies it, and forwards to the Real Estate Relocation Assistance Officer, with a copy of the transmittal letter and certification to the Real Estate Projects Manager.

- b. The Relocation Assistance Office reviews the voucher and supporting material and, if in order, submits the voucher to Accounting.
- c. When the check comes in, the Relocation Assistance Office sends it to the engineering consultant.
- d. The engineering consultant sends the check to the Real Estate Agent Consultant.
- e. After verifying that the costs have been incurred and the work is complete, the check is delivered to the displacee. Check delivery will be according to Department procedures. NOTE: The Real Estate Agent Consultant who handled the relocation assistance for the displacee cannot hand deliver the check. However, it can be hand delivered to a closing agent, bank employee, etc. Otherwise, the engineering consultant will insure that hand delivery of a check to a displacee is made by someone other than the Real Estate Agent Consultant who handled the relocation assistance for the displacee.
- f. The Real Estate Agent Consultant will assist the displacee in preparing all claim forms.
- g. The Real Estate Agent Consultant gives the completed relocation file to the engineering consultant, who audits the file for completeness and accuracy, certifies it and fills out a checklist. The engineering consultant forwards the original file and certification to the Real Estate Projects Manager, and a copy of it to the Real Estate District Office.
- h. The engineering consultant invoices Real Estate for the relocation.
- i. The Real Estate Projects Manager approves the invoice and sends to the Construction Audit Engineer in the Construction Section for payment.

7. If displacee files a relocation appeal, proceed as follows:

- a. The chain of command outlined **Section 6.6 Appeals** will be followed.
- b. The Real Estate Agent Consultant forwards the appeal to the engineering consultant with a recommendation. The engineering consultant forwards to the Real Estate Relocation Assistance Officer, who processes the appeal through the chain of command.
- c. The Relocation Assistance Office will send the engineering consultant a copy of the Real Estate Administrator's letter advising the displacee of the decision on the appeal.
- d. If the displacee agrees to move after the appeal is processed, the procedures outlined above in Paragraph 6.a. through i. will be followed.

8. If displacee refuses to move, proceed as follows:

- a. The Real Estate Agent Consultant will undertake eviction proceedings as outlined in **Section 5** of this manual. If it is necessary to contact Legal about the eviction, an agent from the Relocation Assistance Office will be the contact person.
- b. After the displacee has been evicted, the Real Estate Agent Consultant will follow the steps outlined in above in Paragraph 6.a. through i. to make payments and bill the Department for services rendered.

9. Last Resort Residential Displacees

If a residential displacee will receive Last Resort installment payments, the Real Estate Agent Consultant will prepare vouchers for all payments and submit to the engineering consultant. The engineering consultant will review the material

and, if correct and accurate, will forward to the Real Estate Relocation Assistance Officer with certification, who will set up future payments.

10. Lease Backs

- a. If the displacee cannot move until after the designated vacate date and must lease back the improvement, the Real Estate Agent Consultant will prepare the standard lease agreement and obtain the displacee's signature. (See Section 5 of the Real Estate Manual.)
- b. The Real Estate Agent Consultant collects all monthly rent and sends to the engineering consultant. The engineering consultant sends the check to the Headquarters Acquisition Agent, who forwards to Accounting.

SECTION 9.9

WORK FLOW: ENGINEERING SERVICES CONTRACTS – IMPROVEMENT CONTROL

1. As soon as the engineering consultant firm is authorized to begin work activities, it insures that all improvements are entered in the Improvement Control computer database, and that the information is updated throughout the process as necessary, no less than once a week.
2. The engineering consultant assigns the work activities to an approved Real Estate Agent Consultant.
3. The Real Estate Agent Consultant performs a comprehensive inspection (Before Inspection) of each improvement, including location by Highway Survey Station Number, type of foundation, type of structure, condition, materials, etc.
4. Shortly after an improvement has been vacated, the Real Estate Agent Consultant does another inspection (After Inspection) and sends improvement file and a recommendation for disposition to the engineering manager.
5. The engineering consultant reviews the file for completeness, fills out a checklist, certifies the file if in order, and sends the original file, the certification and a recommendation for disposal of the improvement to the Real Estate Projects Manager, and a copy of the file to the District.
6. The Real Estate Projects Manager processes the improvement through the normal chain of command as described in the Real Estate Manual Section 5, and sends the file to the Headquarters Acquisition Agent to merge with the acquisition file.
7. The engineering consultant sends an invoice for services rendered to the Real Estate Projects Manager.

8. If the file is in order, the Real Estate Projects Manager approves the invoice and sends to the Construction Audit Engineer in the Construction Section for payment.